

**ENTERED**

March 08, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

FREDERICK DWAYNE DYER,

Plaintiff,

VS.

BOARD OF PARDONS & PAROLES,

Defendant.

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MISCELLANEOUS ACTION NO. 7:13-MC-  
978

**ORDER DENYING MOTION FOR LEAVE TO AMEND AND ADOPTING  
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

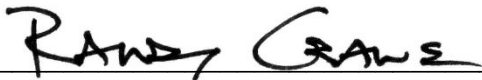
The Court has reviewed the Magistrate Judge’s Report and Recommendation (Dkt. No. 5) and Plaintiff’s responsive: “Joint Motion for Objections to Recommendation/and Motion to Amend Claim,” construed as Plaintiff’s objections to the Report and Recommendation and a Motion for Leave to Amend his complaint pursuant to Federal Rule of Civil Procedure 15(a); and “Memorandum to Motion to Amend,” construed as a brief in support of Plaintiff’s objections and Motion for Leave to Amend (Dkt. Nos. 9, 10). The Court has conducted a *de novo* review of the record in this matter as it pertained to the specific objections raised by Plaintiff pursuant to 28 U.S.C. § 636(b)(1). After having conducted such reviews of the Report and Recommendation, Plaintiff’s objections and Motion for Leave to Amend, and the record as it pertained thereto, the Court is of the opinion that the Motion for Leave to Amend should be denied on grounds of undue delay and futility, and that the conclusions in said Report and Recommendation should be adopted by this Court. *See Jones v. Robinson Prop. Group, L.P.*, 427 F.3d 987, 994 (5<sup>th</sup> Cir. 2005) (in deciding whether to grant leave to amend, district court may consider a variety of factors in exercising its discretion, including undue delay and futility of the amendment).

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that Plaintiff's Motion for Leave to Amend is **DENIED** and the conclusions in United States Magistrate Judge's Report and Recommendation are hereby adopted by this Court.

Plaintiff's Motion to Join (Dkt. No. 4) and Motion to Proceed in Forma Pauperis (Dkt. No. 1) are both **DENIED** as **MOOT**. The Court orders this case **DISMISSED** without prejudice.

The Clerk shall send a copy of this Order to all parties of record.

SO ORDERED this 8th day of March, 2019, at McAllen, Texas.

  
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Randy Crane  
United States District Judge